



State of South Carolina

Office of the Governor

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May 29, 2006

The Honorable Robert Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my signature H. 3402, R-330.

H. 3402 would allow two or more legislators to form a "legislative special interest caucus" in regard to a shared "special interest." To its credit, the General Assembly shut the door years ago on the type of abuse this bill would inevitably lead to by passing nationally-acclaimed ethics reform legislation. Prior to that legislation, a group of legislators - calling itself a "caucus" - could and frequently did extort meals and entertainment from those seeking legislation. Some of those legislators even went on record saying that if those seeking legislation refused to entertain the legislators, then the bills they were advocating would be killed.

Despite the limiting language of H. 3402 with respect to what donations to such special interest caucuses may be used for, I believe it still serves to erode the commendable and necessary reforms of the 1990's.

I am vetoing this legislation for two reasons. First, it promotes a system of governance that I do not believe leads to public policy that is in the best interest of all South Carolinians. Second, it establishes an environment for potential election abuses, and rolls back the anti-corruption reforms of the early 1990's.

Just like thousands of other South Carolinians, I have hunted and fished all my life. I would encourage members of the legislative body to get together and promote hunting and fishing. I just don't think members should be compensated or subsidized for doing so. If you went to Hampton County, and legislators who already hunted and fished together now called themselves a caucus - and, as a consequence, got trips and meals paid for by those who had a desire to affect the political system - folks would say there is no free lunch and that this is a way of impacting the political system. That it is. This bill materially rolls back the ethics rules that came as a result of votes being sold in the 1990's.

As a threshold matter, it should be noted that H. 3402 is not, as many of its supporters characterize it, a "sportsmen's caucus bill." The bill provides that "[a] legislative special interest caucus may include, **but is not limited to**, a representation of sportsmen and women desiring to enhance and protect hunting, fishing, and shooting sports." (Emphasis added) A legislative special interest caucus means "two or more legislators who seek to be affiliated based upon a special interest." The bill does not simply provide a vehicle for creating a "sportsmen's caucus," but allows a special interest caucus to be formed around anything in which at least two legislators share an interest.

I would ask members to think about where this leads. How about a transportation caucus paid for by road contractors? Similarly, many members rightfully are focused on tourism, how about all expense paid trips to Orlando or Las Vegas in the fall or winter - or Alaska and London in the summer? In the age of Washington fundraising scandals, I do not believe it is in the political best interest of members to open this floodgate that will be used by some worthy, and other not so worthy, interest groups.

As early as 1787, James Madison warned about the "mischiefs of single factions." And as a member of the United States Congress, I witnessed first-hand and participated in investigations of corruption and scandal by interest-group activities. I strongly believe that Madison was right to be concerned about "single-issue politics" and believe that such do not lead to sound public policy.

A classic example of the bad policy that can result from such a system is the billboard protection that passed earlier this year. That bad piece of legislation - which degrades our state's quality of life and erodes the legitimate right of our state's local governments to determine how a local community looks and feels - passed after the billboard industry - significantly composed of large and, in many cases, out-of-state industries - dumped literally hundreds of thousands of dollars into lobbyists and caucuses.

Aside from the negative impact the proliferation of special interest money has on public policy, H. 3402 also creates an environment for potential election abuses. I realize that the bill provides that "under no circumstances may a legislative special interest caucus engage in political activity that would influence the outcome of an election or a ballot measure," but this is of little comfort to advocates of good government because, to a substantial degree, the entities monitoring the activities of the special interest caucuses would be the Clerk's Office of the Senate or House of Representatives. I know the current clerks of those legislative chambers to be honest and upright individuals; however, it remains bad policy to form such a close tie between the supervisory office and the special interest caucus being supervised.

This potential problem was a very real one in Wisconsin a few years ago. The boards charged with supervising the legislative caucuses refused to provide documents relating to their review of the caucuses and, in fact, conducted meetings with legislative leaders behind closed doors. The

The Honorable Robert Harrell, Jr.

Page 3

May 29, 2006

boards even went so far as to deny a *Milwaukee Journal Sentinel* request to review all interviews, summaries and reports compiled by the agency in its caucus review.

I also realize that H. 3402 provides that a special interest caucus may solicit funds from the general public only "for the limited purpose of defraying mailing expenses, including cost of materials and postage, and for members of the legislative special interest caucus to attend regional and national conferences." But this limitation, too, provides but little comfort to advocates of good government. The bottom line is that this language allows a caucus based on any "special legislative interest" to be wined and dined by special interests.

For these reasons, I am returning H. 3402 to you without my signature.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MS', is written above the printed name.

Mark Sanford